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Jeff Lloyd, Patent Attorney



Patent Application  
Examining Group 1638  
Docket No. M12C1FDFD2  
Serial No. 10/035,060

#6/B  
NE  
on 10/10/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Anne R. Kubelik, Ph.D.  
Art Unit : 1638  
Applicants : David L. Edwards, Corinna Hermstadt, Edward R. Wilcox, Siu-Yin Wong  
Serial No. : 10/035,060  
Date Filed : December 27, 2001  
For : Process for Altering the Host Range of *Bacillus thurgiensis* Toxins, and Novel Toxins Produced Thereby

Assistant Commissioner for Patents  
Washington, D.C. 20231

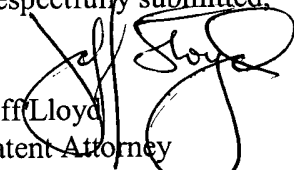
SUBMISSION OF SEQUENCE LISTING AND STATEMENT UNDER 37 CFR §1.821-1.825

Sir:

Transmitted herewith in computer readable form and on a paper is a Sequence Listing under 37 CFR §§1.821 through 1.825 for the above-identified patent application. A Notice to Comply with Sequence Rules under 37 CFR §§1.821-1.825 was mailed on July 3, 2002 from the Patent and Trademark Office, and a copy of the Notice is enclosed herewith.

I hereby certify that the attached sequence listing in computer readable form is identical to the attached paper copy of the sequence listing and that no new material is added by this submission.

Respectfully submitted,

  
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JL/srp

Attachments: Sequence Listing on paper; computer readable format containing the same information as paper copy of Sequence Listing; copy of Notice from PTO; Preliminary Amendment; Petition and Fee for Extension of Time.



# COPY

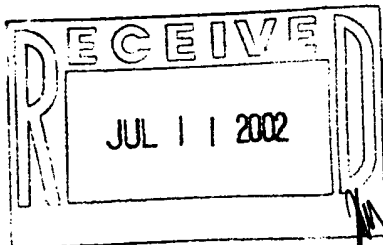
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,060	12/27/2001	David L. Edwards	M12C1FDF3D2	3311

23557 7590 07/03/2002

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EXAMINER

KUBELIK, ANNE R

ART UNIT PAPER NUMBER

1638

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Notice to Comply

Application No.

10/035,060

Examiner

Anne R. Kubelik

Applicant(s)

EDWARDS ET AL.

Art Unit

1638

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See attached

#### Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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Art Unit: 1638

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Additionally, sequence identifiers are missing from the specification (*e.g.*, the legends of Figures 5-12, the oligomer on pg 22, line 25, and Tables 1, 1A, 2, 2A, 3, 3A, 4 and 4A).

2. Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne R. Kubelik, whose telephone number is (703) 308-5059. The examiner can normally be reached Monday through Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson, can be reached at (703) 306-3218. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the patent analyst, Kimberly Davis, at (703) 305-3015.

Anne R. Kubelik, Ph.D.  
June 27, 2002



AMY J. NELSON, PH.D.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600